Town of Atherton

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October 25, 2007

California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Comments on California High-Speed Train (HST) Draft Program EIR/EIS Bay Area to Central Valley

Ladies and Gentlemen:

The Town of Atherton has reviewed the Bay Area to Central Valley HST Draft Program EIR/EIS for the Proposed California High-Speed Train System. An Atherton City Council Resolution stating the Town's position is attached. Our staff, our Rail Committee, and our City Council have the following comments: L025-1

ALIGNMENT

Altamont Pass Alignment

For the reasons discussed below, high speed rail along the Caltrain corridor is not necessary or desirable. In fact, the devastation which would be wreaked upon Peninsula cities by construction of a high-speed rail line through the narrow Caltrain corridor would be immeasurable. L025-2

The Altamont Pass Alternative has the unique benefit that it could avoid the Town of Atherton completely. This is not just parochial. The impacts of High-Speed Rail to every Peninsula city will be as great, if not greater, than the impacts to Atherton. Caltrain already provides Baby Bullet service on the Peninsula, so providing a redundant service on the Peninsula is inferior to providing a new express rail service in the East Bay (BART and Amtrak do not provide express service in the East Bay). L025-3

We strongly support the proposal in the Metropolitan Transportation Commission's (MTC) Regional Plan for an additional tube under the Bay between San Francisco and Oakland to provide additional capacity for BART and to service high-speed and other rail L025-4

lines. The proposal to bring high-speed rail across the Dumbarton Bridge, south to San Jose, and north to San Francisco with an under-bay connection to Oakland is illogical in that it runs the trains significantly farther, crossing the bay twice, to reach San Francisco and Oakland. A far better proposal would be to bring a high-speed line through Altamont directly to San Jose on the east side of the San Francisco Bay, with another high-speed line heading north from the Altamont Pass to Oakland and through the new trans-bay tube to San Francisco.

At best, if the HST were in the Caltrain corridor, the Peninsula would be served only by the "local" version of high-speed rail. Any passenger on the Peninsula desiring to reach Southern California by express high-speed rail service would have to transfer at San Jose. Instead, the Peninsula should rely upon Caltrain as the means for Peninsula riders to reach either San Francisco or San Jose as a starting point for express travel to Southern California. L025-4 Cont.

If a new trans-bay tube is not included, the High-Speed Train line can cross the Bay on the Dumbarton rail line and enter the Caltrain corridor at Redwood City, serving San Francisco only on the west side of the Bay north from Redwood City. Train service through Atherton would be only the Caltrain service, which would provide connecting service to a High-Speed Rail station. At least half of the Peninsula cities would be avoided under this scenario.

The Atherton City Council, by unanimous vote, strongly recommends that the Altamont Pass Alternative be selected, with service to San Francisco via an additional tube under the Bay between San Francisco and Oakland, and that the Peninsula Caltrain Corridor not be used for High-Speed Rail. If the Altamont Pass Alternative is selected without the additional tube, then the Authority should reconsider a three-way train split in the East Bay with service to Oakland, San Francisco and San Jose from the East Bay junction.

SHARED CALTRAIN TRACKS

Schedule Conflicts

All alternatives involving the Caltrain Corridor assume that High-Speed Trains share tracks with Caltrain commuter trains. This assumption is fundamental to the costs and environmental impacts of Caltrain Corridor alternatives. However the validity of this assumption does not appear to be substantiated by analysis or simulations of operational feasibility. Caltrain and HST are two separate autonomous entities serving different markets. Caltrain and HST would each want and need control over scheduling and dispatching of their own trains in order to best serve the needs of their riders. Sharing tracks would involve inevitable basic scheduling and dispatching conflicts plus frequent L025-5

problems when determining priorities in response to emergencies, breakdowns and other train delays of either entity.

The Caltrain Strategic Plan Build-Out Scenario for 2023 calls for 138 daily weekday trains, including 87 express and limited trains, many of which would probably be competing for space on the same tracks as HST trains if tracks were shared. The HST Business Plan Timetable Example for 2020 shows 116 weekday trains to and from San Francisco. Caltrain future plans include providing capacity for 10 trains per hour in each direction during the weekday 3-hour morning and evening peaks. The HST Timetable Example shows 7 weekday trains per hour in each direction during morning and evening peaks. There does not appear to be any analysis showing whether the number and frequency of Caltrain and HST trains can be accommodated on shared tracks, or how they might be scheduled and dispatched. How could multiple Caltrain Baby Bullet or Limited trains with 4 to 8 station stops between San Francisco and San Jose share a track with multiple 120 mph non-stop HST train between San Francisco and San Jose? These multiple trains would be departing at frequent intervals during each peak hour.

Dedicated Tracks

Shared tracks appear to be completely infeasible. The best possible way to avoid the many potential conflicts would be for HST to have its own completely dedicated tracks. The need for dedicated tracks has been the HST position for many years and forcefully articulated by board member Diridon at HST board meetings and other public meetings. It is surprising that the Draft EIR/EIS now assumes HST tracks shared with Caltrain tracks without supporting analysis or explanation.

L025-5 Cont.

Caltrain now has at least two tracks along its right of way between San Francisco and San Jose. Some segments have 3 or 4 tracks to provide for needs such as Baby Bullets passing other slower (mostly local) trains. Caltrain's Footprint Study has indicated a future need for 3 or 4 tracks throughout much of its right of way. If HST shared right of way (but not tracks) with Caltrain it would need at least two of its own dedicated tracks. Therefore, the future right of way would need to accommodate a total of 5 or 6 tracks, possibly more in some segments, between San Francisco and San Jose. The right of way would have to be widened significantly throughout much of its length, requiring extensive high value land acquisition. The Draft EIR/EIS states that the HST corridor from San Francisco to San Jose would be built mostly within the existing Caltrain corridor. This statement would be incorrect with dedicated HST tracks.

Dedicated Platforms

Dedicated tracks would also require dedicated boarding platforms at all stations served by both HST and Caltrain. This would require further high value land acquisition at common station sites. Most if not all of these station would be grade separated, requiring

L025-6

expensive accessibility provision for the added platforms, since obviously at-grade pedestrian crossings of any track would be unacceptable. L025-6 Cont.

Impacts Not Evaluated

Since the Draft EIS/EIR does not consider dedicated HST tracks it does not include the significant associated costs and environmental impacts of alternatives involving the Caltrain right-of-way. Additional considerations must include:

Land acquisition for wider right-of-way and dedicated boarding platforms
Additional track age including temporary "shoo-fly" tracks
Wider tunnels where required
Wider trenches where required
Additional costs to elevate or depress tracks
Grade separations spanning additional tracks
Additional electrification system costs
Additional signal system costs
Additional station costs for more tracks and boarding platforms
More tree removal
More adverse visual and community impact
Additional construction disruption

L025-7

These impacts should be addressed before reaching a decision on the preferred route since their consideration could affect the outcome. The analysis of dedicated track impacts should not be deferred to a subsequent project level environmental and cost analysis since its results could then indicate that the prior selection of a preferred alternative was wrong.

IMPACTS

Even without the dedicated tracks and platforms issues, the following impacts of HST on the Peninsula are inadequately addressed in the EIR/EIS in evaluating the alternative alignments for the HST. Correctly addressing these impacts would require an analysis of appropriate avoidance alternatives or mitigation. It should be noted that in an environmental setting, alternatives to avoid environmental impacts should be addressed before mitigation is considered. L025-8

Visual and Noise

The two most extreme impacts of a High Speed Rail system on the Peninsula will be noise and visual impacts from an elevated electrified 120 mph train. The project proposes steel wheel steel rail technology. Regardless of how well constructed the project, the trains will make considerable noise as they pass through residential communities within L025-9

yards of people's bedrooms. And so long as the train is proposed to be elevated on retaining walls or berms, noise will propagate farther. Elevated electrified tracks will be a visual blight on the area, certainly not a "Low" impact as shown on Table 3.9.1. However, should noise walls above already elevated tracks be considered as mitigation for the noise, they would be an extremely significant permanent and oppressive visual presence 24 hours per day, seven days per week. If HST on the Peninsula is selected, a trench alternative, discussed below, would avoid impacts rather than attempting to mitigate them with features that themselves cause additional impacts. L025-9 Cont.

It should be noted also that in Section 3.4.1B the HST is attempting to take credit for eliminating horn noise at grade separations to offset the noise of the HST on the Caltrain Corridor from San Francisco to San Jose. However, most cities on the Peninsula, in cooperation with the current Caltrain grade crossing safety project, will create quiet zones under the new Federal Railroad Administration (FRA) regulations to eliminate the sounding of train horns at all crossings. The designs for the supplemental safety measures needed for a quiet zone in several Peninsula cities are currently at the 65% level and expected to be constructed next summer. Therefore, when HST begins project level environmental review, train horns will have already been eliminated. This adjustment for existing train horn noise should be removed from the screening criteria on the Peninsula corridor, and should be reconsidered statewide as more and more cities are implementing quiet zones. L025-10

Likewise Caltrain is already well underway with plans to electrify their system on the Peninsula corridor. HST should therefore not adjust noise impacts for reduction of diesel locomotive noise that will be eliminated before HST is a reality. L025-11

Quiet zones and electrification should be included in the No Project alternative, and impacts evaluated based on comparison of the No Project alternative to the project alternatives. This will show that the noise impacts of HST, especially on elevated tracks, should be rated as having a high level of potential noise impacts, not a medium level, and those impacts will be significant unless avoided or mitigated. L025-12

The combined visual blight of noise walls to mitigate noise and electrification catenaries could be overwhelmingly significant, unless measures are taken to avoid the impacts. Choosing a lower impact alignment, such as a different corridor, is most effective. If the Peninsula Caltrain corridor continues to be considered, noise walls can be eliminated by the trench alternative, mentioned below. There is also an opportunity, with grade separations, to eliminate the visual impacts of the electrification catenaries. L025-13

Catenary Visual Impact

The High-Speed Train system is proposed to be an electrified system with overhead catenaries. These wires and their supporting poles will be a significant visual impact on L025-14

the entire Peninsula rail corridor and particularly on the Town of Atherton where there are a significant number of residential properties abutting and near the tracks. Considerable funds have been expended in this Town and in many Cities along the corridor to underground overhead utility wires to rid the cities of the blight created by the proliferation of overhead wires and poles. Adding electrification wires for the High-Speed Train System would be a major step backwards from a visual aesthetics standpoint. To state that "their primary visual impact is low, much like power poles along a highway" is entirely missing the point of the extensive Rule 20 program undertaken by the California Public Utilities Commission and the power companies to underground the power poles along the highways of the state.

L025-14 Cont.

Alternatives to avoid this impact should be discussed at the program level. Advanced track and train technologies should be considered that would allow the trains to operate with a third rail through urban areas where the visual impacts would be severe. **A grade separated rail system through the Peninsula corridor would allow the use of a third rail, avoiding the visual and tree impacts that an overhead system would cause.** These impacts are significant and are applicable throughout the Peninsula corridor; therefore, it should be addressed at the program level.

L025-15

Heritage or Significant Trees

The Caltrain electrification EIR and arborist report determined that approximately 80 trees in Atherton would need to be removed. On the Caltrain corridor, 1,727 trees would need to be removed for electrification alone. The High-Speed Train system would have considerably more impact to trees in the Peninsula urban area than the Caltrain electrification project. There are a considerable number of mature and heritage trees along the corridor, especially in the Town of Atherton, that will be impacted by the project. Replanting cannot possibly mitigate for the loss of trees that have been growing for hundreds of years. These impacts should be avoided where possible by evaluating alternative alignments that do not use the Caltrain Corridor.

L025-16

Right of Way Impacts

Property on the Peninsula is some of the most valuable property in the country. Some condemnation of property is unavoidable to construct the HST system, possibly considerably more than indicated in the EIR/EIS (see discussion of Shared Caltrain Tracks, above). The costs of this acquisition need to be accurately estimated. More critical are the impacts to the residents and businesses that must continue on the remainder properties after the project is constructed.

L025-17

These properties will need to live forever with increased noise and visual impacts, without the mature trees that have grown up over the past decades to screen the tracks. The remainder damages to pay for these impacts could easily be in excess of the value of

the entire property. The Authority needs to realize that the project will be responsible for these damages, and understand the rule of law that does not allow condemnation of the remainder unless it is needed for the project. Condemnation to limit the remainder damages is not sufficient to support the taking. Considering that every property on the Peninsula bordering the tracks may require a strip taking (see discussion of Shared Caltrain Tracks above), these right-of-way costs could exceed the cost of constructing the project. The Authority needs to take a close hard look at what a Peninsula project will cost, and the EIR/EIS needs to adequately reflect the impacts and hardships that will be visited on Peninsula homes and businesses by the project. L025-17 Cont.

Cultural (Historic) Resources and 4(f) (Park) Resources

The addition of widened tracks, retaining walls and catenary poles immediately adjacent to the historic Atherton train station would have a direct and adverse impact on the historic train station and its site. Note that the station was restored in 1913, but the original station was constructed in 1866. The Atherton station was omitted from the listing of historic buildings in section 3.9, and the discussion relative to station buildings dominating the vista is inapplicable to Atherton. The test is not whether the structure itself must be modified, and not whether the existing structure (or tree in the case of El Palo Alto) dominates the vista, but whether the site and context is modified. The test is also not whether it is adverse, but whether the adverse impact is significant. Impact on historic stations, buildings and landscapes will be a significant issue throughout the Peninsula. **Historic Station impacts need to be appropriately addressed, with significance determined in accordance with standard historical guidelines.** L025-18

The widened tracks, retaining walls, poles and wires, and the removal and trimming of screening trees will have a significant impact on Holbrook-Palmer Park, which abuts the project right-of-way. Not only is the park a public recreation area, it is also a cultural resource, containing several historic buildings. The entire park property is the site context for the historic buildings. **Impacts to Holbrook-Palmer Park, both as a 4(f) resource and as a cultural (historic) resource need to be appropriately addressed.** L025-19

The EIR/EIS states that mitigation can include alignment shifts to miss resources, relocation of resources including replacement parkland, noise barriers and visual screening. However, it states that shifts to miss one resource may impact another and that noise barriers can create adverse visual impacts. In such cases, mitigation may include cut and cover (similar to the trench discussed later in this letter, but with the track covered through the sensitive areas). In Atherton all these concerns apply. Additionally, the grade separations required to raise or lower the roadways would impact the cultural and 4(f) (Park) resources within Atherton as well as many adjacent properties. **The High-Speed Train project should identify and consider avoidance or mitigation options through the Atherton station historic area and the Holbrook-Palmer Park area.** L025-20

Public Services

This element of CEQA is not discussed in the EIR/EIS. An evaluation of impacts to public services, such as the Atherton Police Department, City Hall, Post Office, Library, Permit Center, and Public Works Corporation Yard should be included. These impacts may be relevant in evaluating alignment alternatives and should be quantified. **The EIR/EIS should include these Town of Atherton facilities, and similar facilities in other Peninsula cities, address the impact thereon, and discuss alternatives to avoid or mitigate these impacts.** L025-21

Potential Interference with Resident's Electronics

While this element has adequately discussed in this EIR/EIS and the previous EIR/EIS, this is just another impact present on the Caltrain Corridor alignment that could be avoided or minimized by alternative alignments, as discussed below. L025-22

ALTERNATIVES

The EIR/EIS should address alternatives that have been considered to avoid, minimize or mitigate the anticipated significant impacts as noted above and in the report. Design of the project to reduce or eliminate impacts is avoidance or minimization, and is to be preferred over mitigation. L025-23

Peninsula Alignment using I-280/380 or 101 Corridors

While we support the Altamont alignment for high speed rail, if the southerly Pacheco route is ultimately chosen for high-speed rail, an analysis should be made of continuing the high-speed rail line from San Jose to San Francisco either via the East Bay and a new trans-bay tube (for the reasons stated above) or along the I-280/380 or 101 Corridors. These alternatives have the potential to avoid considerable significant impacts to the Peninsula.

The I-280 corridor offers innumerable advantages over the Caltrain corridor in terms of right-of-way needs, construction costs, ease of construction, and the fact that a journey along the I-280 corridor would be a far more pleasant experience for the passenger than the Caltrain corridor. The 101 corridor also has many of these benefits over the Caltrain corridor. Either alignment avoids the dramatic impacts to the established residential communities and commercial establishments along the Peninsula Caltrain corridor. L025-24

The I-280 alignment was improperly eliminated from further consideration (as described in Appendix A to the EIR/EIS). Failure to fully evaluate this less intrusive alternative is a significant deficiency in the EIR/EIS. The reasons stated for elimination of the I-280 alternative are either wrong, or relate to problems that would be even more difficult to

deal with along the Caltrain corridor. For example, Appendix A states that "connecting the [I-280] alignment to Diridon Station in San Jose would require a guideway passing through developed portions of downtown San Jose." In fact, the Caltrain corridor south of Diridon Station crosses under the I-280 Freeway and provides an easy connection. Presumably, this same connection would be used for any HSR link coming into San Jose from the south. Appendix A states further that crossing interchanges with other freeways would be difficult and expensive. This analysis fails to reflect the fact that the number of grade crossings necessary along the I-280 alignment is an order of magnitude less than the number of grade crossings required along the Caltrain corridor. In addition, of course, construction along the I-280 corridor would have no impact upon Peninsula towns, could be easily accomplished while maintaining freeway traffic, and would have no impact upon Caltrain operations. It would not be nearly as difficult as attempting to construct additional tracks, overhead catenaries and grade separations in the Caltrain corridor while maintaining Caltrain operations. Further, the EIR/EIS completely fails to address the possibility of an alignment from San Jose along I-280 to I-380, at which point HSR could connect with SFO, and reconnect with the Caltrain corridor to enter San Francisco.

L025-24 Cont.

Trench Through Atherton and Menlo Park

If an alignment is selected using the Caltrain corridor through Atherton and Menlo Park, one alternative that could considerably avoid or reduce many of the impacts to the cities would be a Trench Corridor Treatment. The Atherton Rail Committee reviewed the Alameda Corridor in Los Angeles, where an upgraded freight line from the Port of Long Beach was constructed in a trench for its entire length to avoid impacts to surface streets and properties.

Atherton engineering staff reviewed the proposed profile for the Peninsula High-Speed Rail and determined that, with grades even less than the 3% shown for the raised profile, a trench profile between 5th Avenue in Redwood City and San Francisquito Creek in Palo Alto is entirely feasible. The profile would meet the existing grade at 5th Avenue where there is an existing street undercrossing, and it would meet the existing grade at San Francisquito Creek, where it could continue up to an elevated section, or crest and return to a below grade system through Palo Alto. The profile would pass under the Atherton Channel, a relatively shallow drainage channel, and under all of the streets in Atherton and Menlo Park. Leaving those streets at their existing grade would minimize the permanent disruption of residences and businesses along the corridor and along each street.

L025-25

Concern has been expressed that the trench option would encounter difficulties crossing local creeks and streams. Town staff notes that conventional hydraulic design options exist for the Atherton Channel creek crossing, either by an aqueduct over the tracks, by an adequately sized siphon under the tracks, or by a pump station with redundant pump

capacity exceeding the 100-year flow in the channel (to be operated and maintained by the High-Speed Train operator). Floodwalls may be required to reduce the potential for flooding of the rail line.

Safety should be another important consideration favoring a trench configuration rather than at-grade or above-grade tracks in populated residential areas. A 100 to 124 mph derailment in a populated area, either accidental or through sabotage, would cause considerably less damage and loss of life if constrained by a trench.

Adjacent to park and civic centers, the trench could be covered and those areas expanded over the tracks. This would reduce noise and visual impacts even further, further enhance safety , and allow portions of the community that have been divided by the at-grade tracks to once again be connected. In areas adjacent to commercial enterprises, air rights over the tracks can be leased or sold, adding value to the system and providing opportunities to offset the additional cost of the trench. L025-25 Cont.

The Atherton City Council strongly urges the High-Speed Rail Authority, if the Peninsula Caltrain corridor is selected, to study during the project design process the potential of placing the High-Speed Rail system in a trench through Atherton and Menlo Park. This design option will avoid significant impacts to cultural and 4(f) resources (historic Atherton train station and Holbrook-Palmer Park), to protected biological resources (heritage and significant trees), and to adjacent properties, reducing the monetary damages that would need to be paid to remainder properties. It will also reduce the division between portions of the community instead of enhancing the division by the placement of linear walls or embankment to support a raised track bed. And finally, and extremely important, it will reduce the visual and noise impacts of the High-Speed Train system on the surrounding community.

CONCLUSION

The Bay Area to Central Valley HST Draft Program EIR/EIS for the Proposed California High-Speed Train System does not adequately address the potential environmental impacts to the San Francisco Peninsula that could be avoided or minimized by use of appropriate alternatives. The Authority needs to revisit the alignments being considered, including several that have been previously suggested, and are suggested again here, but were not considered, and select those that avoid significant impacts to the maximum extent possible. Only then can the Least Environmentally Damaging Preferred Alternative (LEDPA) be selected. **Following such analysis, if impacts can be neither avoided, minimized, nor mitigated, the Authority is required to make a finding of overriding considerations before proceeding with the project.** L025-26

Please address the above comments directly to us, and in your Final EIR/EIS, and advise us of what action you propose to avoid or mitigate the dramatic environmental and right- L025-27

of-way impacts to the Town of Atherton and other Peninsula cities. Town staff welcomes the opportunity to meet with you to discuss these comments if needed. L025-27 Cont.

Thank you for your consideration.

Sincerely,

Alan B. Carlson, Mayor
Town of Atherton

Attached: Atherton City Council Resolution 07-26

RESOLUTION 07-26

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REGARDING THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR BAY AREA TO CENTRAL VALLEY HIGH SPEED TRAIN

The City Council of the Town of Atherton hereby resolves as follows:

RESOLVED, that the town of Atherton provide comments to the California High-Speed Rail Authority regarding the Draft Bay Area to Central Valley High-Speed Train (HST) Program EIR/EIS, with the following points:

1. The Town of Atherton opposes high-speed rail on the Peninsula and within the Caltrain Railway Corridor.

    a. High-speed rail would not directly benefit the Peninsula because express high-speed trains would not stop on the Peninsula, requiring Peninsula travelers to Southern California to transfer, either in San Francisco or San Jose, to the express train in order to benefit from express service.

    b. Construction of high-speed rail along the Caltrain Corridor would be devastating to the long-established and heavily developed communities through which the corridor passes. Construction and operation of high-speed trains along this corridor would have a significant adverse environmental affect on the communities.

2. For the reasons stated above, we support the Altamont alignment for high-speed rail, with access to San Jose along the Capital Corridor (East Bay) route, and with access directly to Oakland via Altamont, with a new TransBay Tunnel connecting Oakland with San Francisco.

3. If the Pacheco alignment is ultimately chosen with a Peninsula route for high-speed rail, the preferred routing should be along Highway 280 or 101, in order to avoid the disastrous consequences of construction within established communities. As stated above, high-speed rail on the Peninsula will not provide easier access to express trains to Southern California. Accordingly, the Peninsula should rely upon existing Caltrain service to access either San Francisco or San Jose as starting off points, from which express trains to Southern California would depart.

4. In all events, if a Caltrain Corridor route is ultimately chosen for high-speed rail alignment, the HST should run in a tunnel or a trench in order to minimize environmental impacts and to maximize the availability of surface land for positive redevelopment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton that this Resolution shall be effective immediately upon adoption.

* * * * * * * * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 19th day of September 2007, by the following vote.

AYES:	*5*	*Council Members: Janz, J.Carlson, Marsala, A.Carlson, McKeithen*
NOES:	*0*	*Counci Members:*
ABSENT:	*0*	*Council Members:*
ABSTAIN:	*0*	*Council Members:*

Alan B. Carlson, MAYOR
Town of Atherton

ATTEST:

Kathi Hamilton
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Marc Hynes, City Attorney

I HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A TRUE AND CORRECT COPY ON FILE AT: 91 ASHFIELD ROAD ATHERTON, CA
DATE Oct. 23, 2007
SIGNED BY Kathi Hamilton
Acting City Clerk